1	S.124
2	Introduced by Senator White
3	Referred to Committee on
4	Date:
5	Subject: Public safety; government operations; law enforcement;
6	miscellaneous
7	Statement of purpose of bill as introduced: This bill proposes to make
8	miscellaneous amendments regarding law enforcement in the operation of
9	government. The bill addresses the topics of law enforcement officer training;
10	officer recruitment and retention; the administration of law enforcement
11	services; law enforcement coverage; and 911 call-taking (PSAPs) and dispatch.
12	An act relating to miscellaneous law enforcement amendments
13	It is hereby enacted by the General Assembly of the State of Vermont:
14	* * * Training * * *
15	Sec. 1. 20 V.S.A. § 2352 is amended to read:
16	§ 2352. COUNCIL MEMBERSHIP
17	(a)(1) The Vermont Criminal Justice Training Council shall consist of:
18	(A) the Commissioners of Public Safety, of Corrections, of Motor
19	Vehicles, and of Fish and Wildlife;
20	(B) the Attorney General;

1	(C) a member of the Vermont Troopers' Association or its successor
2	entity, elected by its membership;
3	(D) a member of the Vermont Police Association, elected by its
4	membership;
5	(E) a member of the Chiefs of Police Association of Vermont,
6	appointed by the President of the Association;
7	(F) a member of the Vermont Sheriffs' Association, appointed by the
8	President of the Association; and
9	(E)(G) five three additional members appointed by the Governor.
10	(i) The Governor's appointees shall provide broad representation
11	of all aspects of law enforcement and the public in Vermont on the Council.
12	(ii) The Governor shall solicit recommendations for appointment
13	from the Vermont State's Attorneys Association, the Vermont State's Sheriffs
14	Sheriffs' Association, the Chiefs of Police Association of Vermont Police
15	Chiefs Association, and the Vermont Constables Association.
16	* * *
17	Sec. 2. 20 V.S.A. § 2355 is amended to read:
18	§ 2355. COUNCIL POWERS AND DUTIES
19	* * *
20	(b)(1)(A) The Council shall conduct and administer training schools and
21	offer courses of instruction for law enforcement officers and other criminal

1	justice personnel. The Council shall offer courses of instruction for law
2	enforcement officers in different areas of the State and shall strive to offer
3	nonovernight courses whenever possible.
4	(B) The Council shall offer its training programs for law enforcement
5	officers on a first-come, first-served basis.
6	(2) The Council may also offer the basic officer's course for $\frac{1}{10000000000000000000000000000000000$
7	preservice students and educational outreach courses for the public, including
8	firearms safety and use of force.
9	* * *
10	Sec. 3. COUNCIL; REPORT ON NONOVERNIGHT TRAINING
11	On or before January 1, 2020, the Executive Director of the Vermont
12	Criminal Justice Training Council shall report to the Senate and House
13	Committees on Government Operations regarding the Council's plan to replace
14	some of its overnight law enforcement training requirements at the Robert H.
15	Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont (the
16	Police Academy) with nonovernight training in other areas of the State, in
17	accordance with 20 V.S.A. § 2355(b)(1)(A) in Sec. 2 of this act.

1	Sec. 4. 20 V.S.A. § 2358 is amended to read:
2	§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS
3	* * *
4	(b) The Council shall offer or approve basic training and annual in-service
5	training for each of the following three levels of law enforcement officer
6	certification in accordance with the scope of practice for each level, and shall
7	determine by rule the scope of practice for each level in accordance with the
8	provisions of this section:
9	(1) Level I certification.
10	* * *
11	(2) Level II certification.
12	* * *
13	(3) Level III certification.
14	* * *
15	(c)(1) All programs required by this section shall be approved by the
16	Council.
17	(2) The Council shall structure its programs so that a Level II certified
18	officer may complete additional training in block steps in order to transition to
19	Level III certification, without such an officer needing to restart the
20	certification process.

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1	(3) Completion of a program shall be established by a certificate to that
2	effect signed by the Executive Director of the Council.
3	* * *
4	* * * Recruitment and Retention * * *
5	Sec. 5. 20 V.S.A. § 2362b is added to read:
6	<u>§ 2362b. RECRUITMENT FEE</u>
7	A law enforcement agency that hires a law enforcement officer employed
8	by another law enforcement agency within two years of that officer's initial
9	certification shall reimburse that employing agency for any costs the
10	employing agency paid for that officer's training and certification.
11	Sec. 6. STATE TREASURER; RETIREMENT DIVISION; PROPOSED
12	PLAN; LAW ENFORCEMENT OFFICERS COVERED UNDER
13	VERMONT MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM
14	(a) On or before January 1, 2020, the State Treasurer's Retirement Division
15	shall submit to the Senate and House Committees on Government Operations
16	a proposed plan to place municipal law enforcement officers covered under
17	the Municipal Employees' Retirement System of Vermont (VMERS) on a
18	new retirement plan substantially equivalent to the retirement plan that
19	covers law enforcement officers under the Vermont State Retirement System
20	(VSRS), except for the health and medical benefits available to officers under
21	the VSRS.

1	(b) The Retirement Division's proposed plan shall include:
2	(1) recommendations on how to transition VMERS officers to the new
3	retirement plan, including any specific timing recommendations;
4	(2) the costs associated with the new retirement plan; and
5	(3) concerns, if any, regarding the new retirement plan.
6	* * * Administration * * *
7	Sec. 7. 20 V.S.A. § 2053 is amended to read:
8	§ 2053. COOPERATION WITH OTHER AGENCIES; UNIVERSAL STATE
9	SYSTEM OF CRIMINAL RECORDS
10	(a) The <u>center</u> shall cooperate with other <u>state</u> departments and
11	agencies, municipal police departments, sheriffs, and other law enforcement
12	officers in this state State and with federal and international law enforcement
13	agencies to develop and carry on a uniform and complete state State, interstate,
14	national, and international system of records of criminal activities and
15	information.
16	(b) All state State departments and agencies, municipal police departments,
17	sheriffs, and other law enforcement officers shall cooperate with and assist the
18	center in the establishment of a complete and use a uniform, universal system
19	of records approved by the Center relating to the commission of crimes,
20	arrests, convictions, imprisonment, probation, parole, fingerprints,
21	photographs, stolen property, and other matters relating to the identification

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1	and records of persons who have or who are alleged to have committed a
2	crime, who are missing persons, or who are fugitives from justice.
3	Sec. 8. 20 V.S.A. chapter 113, subchapter 2 is amended to read:
4	Subchapter 2. State Police
5	§ 1910. DUTIES OF THE STATE POLICE; PROHIBITION ON
6	MUNICIPAL CONTRACTS
7	(a) The duties of the State Police are:
8	(1) the detection and investigation of major crimes;
9	(2) the patrol of highways and the operation of traffic thereon; and
10	(3) special investigations.
11	(b) The State Police is prohibited from entering into contracts with
12	municipalities for the provision of law enforcement services.
13	* * *
14	Sec. 9. VERMONT STATE POLICE; PROHIBITION ON RENEWING
15	MUNICIPAL LAW ENFORCEMENT CONTRACTS
16	In accordance with 20 V.S.A. § 1910(b) set forth in Sec. 8 of this act, the
17	Vermont State Police shall be permitted to fulfill but is prohibited from
18	renewing any contract it has with a municipality for the provision of law
19	enforcement services that is in effect on the effective date of that section.

1	Sec. 10. 24 V.S.A. § 4382 is amended to read:
2	§ 4382. THE PLAN FOR A MUNICIPALITY
3	(a) A plan for a municipality may be consistent with the goals established
4	in section 4302 of this title and compatible with approved plans of other
5	municipalities in the region and with the regional plan and shall include the
6	following:
7	* * *
8	(13) A public safety plan, including an analysis of the police, fire, and
9	emergency medical service resources, needs, scarcities, costs, and problems
10	within the municipality.
11	* * *
11 12	* * * Sec. 11. APPLICABILITY TO MUNICIPAL PLANS
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12 13	Sec. 11. APPLICABILITY TO MUNICIPAL PLANS Sec. 10 of this act, amending 24 V.S.A. § 4382 (the plan for a
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12 13 14 15 16	Sec. 11. APPLICABILITY TO MUNICIPAL PLANS <u>Sec. 10 of this act, amending 24 V.S.A. § 4382 (the plan for a</u> <u>municipality), shall apply to municipal plans adopted or amended on or after</u> <u>January 1, 2020.</u> *** Coverage ***
12 13 14 15 16 17	Sec. 11. APPLICABILITY TO MUNICIPAL PLANS <u>Sec. 10 of this act, amending 24 V.S.A. § 4382 (the plan for a</u> <u>municipality), shall apply to municipal plans adopted or amended on or after</u> <u>January 1, 2020.</u> *** Coverage *** Sec. 12. 20 V.S.A. § 2055 is amended to read:

1	(1) disseminate on a quarterly basis to the legislative body of each town
2	in the State without a police department a report describing the nature of
3	crimes alleged to have been committed in that town in the preceding quarter,
4	without providing any personally identifying information; and
5	(2) maintain and disseminate such files as are necessary relating to the
6	commission of crimes, arrests, convictions, disposition of criminal causes,
7	probation, parole, fugitives from justice, missing persons, fingerprints,
8	photographs, stolen property, and such matters as the commissioner
9	Commissioner deems relevant.
10	(b) The director Director shall maintain criminal records pursuant to this
11	chapter regardless of whether the record is fingerprint supported. Any "no
12	print, no record" rule or policy of the center <u>Center</u> shall be void.
13	Sec. 13. LEAB; REPEAL FOR RECODIFICATION
14	24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.
15	Sec. 14. 20 V.S.A. § 1818 is added to read:
16	<u>§ 1818. LAW ENFORCEMENT ADVISORY BOARD</u>
17	(a) The Law Enforcement Advisory Board is created within the Department
18	of Public Safety to advise the Commissioner of Public Safety, the Governor,
19	and the General Assembly on issues involving the cooperation and
20	coordination of all agencies that exercise law enforcement responsibilities.

1	The Board shall review any matter that affects more than one law enforcement
2	agency. The Board shall comprise the following members:
3	(1) the Commissioner of Public Safety;
4	(2) the Director of the Vermont State Police;
5	(3) the Director of the Vermont Criminal Justice Services Division;
6	(4) a member of the Chiefs of Police Association of Vermont appointed
7	by the President of the Association;
8	(5) a member of the Vermont Sheriffs' Association appointed by the
9	President of the Association;
10	(6) a representative of the Vermont League of Cities and Towns
11	appointed by the Executive Director of the League;
12	(7) a member of the Vermont Police Association appointed by the
13	President of the Association;
14	(8) the Attorney General or designee;
15	(9) a State's Attorney appointed by the Executive Director of the
16	Department of State's Attorneys and Sheriffs;
17	(10) the U.S. Attorney or designee;
18	(11) the Executive Director of the Vermont Criminal Justice Training
19	Council;
20	(12) the Defender General or designee;

1	(13) one representative of the Vermont Troopers' Association or its
2	successor entity, elected by its membership; and
3	(14) a member of the Vermont Constables Association appointed by the
4	President of the Association.
5	(b) The Board shall elect a chair and a vice chair, which positions shall
6	rotate among the various member representatives. Each member shall serve a
7	term of two years. The Board shall meet at the call of the Chair. A quorum
8	shall consist of eight members, and decisions of the Board shall require the
9	approval of a majority of those members present and voting.
10	(c) The Board shall undertake an ongoing formal review process of law
11	enforcement policies and practices with a goal of developing a comprehensive
12	approach to providing the best services to Vermonters, given monies available.
13	The Board shall also provide educational resources to Vermonters about public
14	safety challenges in the State.
15	(d)(1) The Board shall meet not fewer than six times a year to develop
16	policies and recommendations for law enforcement priority needs, including
17	retirement benefits, recruitment of officers, training, homeland security issues,
18	dispatching, and comprehensive drug enforcement.
19	(2) The Board shall present its findings and recommendations in brief
20	summary form to the House and Senate Committees on Judiciary and on
21	Government Operations annually on or before January 15.

1	Sec. 15. LEAB; RECODIFICATION DIRECTIVE
2	(a) 24 V.S.A. § 1939 is recodified as 20 V.S.A. § 1818. During statutory
3	revision, the Office of Legislative Council shall revise accordingly any
4	references to 24 V.S.A. § 1939 in the Vermont Statutes Annotated.
5	(b) Any references in session law and adopted rules to 24 V.S.A. § 1939 as
6	previously codified shall be deemed to refer to 20 V.S.A. § 1818.
7	Sec. 16. LEAB; 2019 REPORT ON MUNICIPAL ACCESS TO LAW
8	ENFORCEMENT SERVICES
9	As part of its annual report in the year 2020, the Law Enforcement
10	Advisory Board shall specifically recommend ways that towns can increase
11	access to law enforcement services.
12	* * * 911 Call-Taking (PSAPs) and Dispatch * * *
13	Sec. 17. DEPARTMENT OF PUBLIC SAFETY; PSAPS; PLAN FOR
14	TRANSFER OF AUTHORITY
15	(a) Repeal. 2016 Acts and Resolves No. 118, Sec. 3 (Department of Public
16	Safety; 911 call-taking), which requires the Department of Public Safety to
17	continue to provide 911 call-taking services unless otherwise directed by
18	legislative enactment, is repealed on July 1, 2021, and the Department shall be
19	prohibited from providing 911 call-taking services on that date.

1	(b) Plan for transfer of authority.
2	(1) In accordance with subsection (a) of this section, the Department
3	shall consult with the Enhanced 911 Board and with any interested municipal
4	and county law enforcement entities in the State in order to propose a plan to
5	transfer the Department's existing 911 call-taking services to such an
6	interested law enforcement entity.
7	(2) On or before January 1, 2020, the Department shall submit its
8	proposed plan to:
9	(A) the Senate Committees on Finance, on Government Operations,
10	on Appropriations, and on Economic Development, Housing and General
11	<u>Affairs:</u>
12	(B) the House Committees on Commerce and Economic
13	Development, on Government Operations, on Appropriations, and on Ways
14	and Means; and
15	(C) the Governor.
16	Sec. 18. AGENCY OF COMMERCE AND COMMUNITY
17	DEVELOPMENT; REGIONAL PLANNING COMMISSIONS;
18	PUBLIC SAFETY PLANNING GRANTS
19	(a) Appropriation. The sum of \$1.00 is appropriated to the Agency of
20	Commerce and Community Development in fiscal year 2020 for the public
21	safety planning grants to regional planning commissions described in

1	subsection (b) of this section. The Agency shall award the grants in
2	accordance with its procedure established under the Vermont Community
3	Development Act.
4	(b) Public safety planning grants.
5	(1) A regional planning commission may apply to the Agency for a
6	public safety planning grant for the purpose of planning the integration,
7	consolidation, or regionalization of public safety functions within the
8	commission's jurisdiction. A grant shall be for a maximum of three years and
9	shall not exceed \$1.00.
10	(2) As used in this section:
11	(A)(i) "Planning" means hiring personnel or contracting for services
12	to determine the feasibility of or to establish the procedure to implement, or
13	both, the integration, consolidation, or regionalization of public safety
14	functions.
15	(ii) "Planning" does not mean implementing such integration,
16	consolidation, or regionalization.
17	(B) "Public safety functions" means fire, police, emergency medical
18	services, and dispatching services.

1	* * * Effective Dates * * *
2	Sec. 19. EFFECTIVE DATES
3	This act shall take effect on July 1, 2019, except the following sections shall
4	take effect on July 1, 2020:
5	(1) Sec. 2, amending 20 V.S.A. § 2355 (Council powers and duties);
6	(2) Sec. 4, amending 20 V.S.A. § 2358 (minimum training standards;
7	definitions);
8	(3) Sec. 5, adding 20 V.S.A. § 2362b (recruitment fee);
9	(4) Sec. 7, amending 20 V.S.A. § 2053 (cooperation with other
10	agencies; universal State system of criminal records); and
11	(5) Sec. 8, adding 20 V.S.A. § 1910 (duties of the State Police;
12	prohibition on municipal contracts).